

AMENDED IN SENATE APRIL 27, 2006

**SENATE BILL**

**No. 1848**

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**Introduced by ~~Committee on Business, Professions and Economic Development~~ (Senators ~~Figueroa (Chair), Aanestad, Florez, Morrow, and Simitian~~) *Senator Figueroa***

March 23, 2006

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~~An act to repeal Section 8698.6 of the Business and Professions Code, relating to pests, and declaring the urgency thereof, to take effect immediately. An act to amend Section 7331 of, and to repeal and add Section 7303 of, the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1848, as amended, ~~Committee on Business, Professions and Economic Development~~ *Figueroa*. ~~Structural Fumigation Enforcement Program. Barbering and cosmetology.~~

*Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology in the Department of Consumer Affairs consisting of 9 members. Existing law requires the board, subject to the approval of the director, to appoint an executive director to perform duties delegated by the board. Existing law provides that the provision relating to the board and the executive officer become inoperative on July 1, 2007, and are repealed on January 1, 2008. Existing law makes it unlawful for a person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board. Existing law authorizes the board to grant a license to an applicant*

*licensed in another state in barbering, cosmetology, or electrolysis if the applicant submits specified materials to the board.*

*This bill would repeal the provisions creating the board, and would create a new State Board of Barbering and Cosmetology. The provisions creating the new board would become inoperative on July 1, 2009, and would be repealed on January 1, 2010. The bill would also mandate that the board grant a license to an applicant licensed in barbering, cosmetology, or electrolysis in another state or a foreign country, and would revise the application requirements for such an applicant.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law provides that the Los Angeles County Agricultural Commissioner or the Orange County Agricultural Commissioner may, contract with the Director of the Department of Pesticide Regulation to perform increased structural fumigation, inspection, and enforcement activities. Existing law authorizes the director to adopt regulations to carry out these provisions and to levy a civil penalty against a person violating these provisions. Under existing law, these provisions would be repealed on July 1, 2006.~~

~~This bill would extend these provisions indefinitely.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.~~

~~State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *Section 7303 of the Business and Professions*
- 2     *Code is repealed.*
- 3     ~~7303.—(a) Notwithstanding Article 8 (commencing with~~
- 4     ~~Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of~~
- 5     ~~the Government Code, there is in the Department of Consumer~~
- 6     ~~Affairs the State Board of Barbering and Cosmetology in which~~
- 7     ~~the administration of this chapter is vested.~~
- 8     ~~(b) The board shall consist of nine members. Five members~~
- 9     ~~shall be public members and four members shall represent the~~
- 10    ~~professions. The Governor shall appoint three of the public~~
- 11    ~~members and the four professions members. The Senate~~
- 12    ~~Committee on Rules and the Speaker of the Assembly shall each~~

1 ~~appoint one public member. Members of the board shall be~~  
2 ~~appointed for a term of four years, except that of the members~~  
3 ~~appointed by the Governor, two of the public members and two~~  
4 ~~of the professions members shall be appointed for an initial term~~  
5 ~~of two years. No board member may serve longer than two~~  
6 ~~consecutive terms.~~

7 ~~(c) The board shall appoint an executive officer who is exempt~~  
8 ~~from civil service. The executive officer shall exercise the~~  
9 ~~powers and perform the duties delegated by the board and vested~~  
10 ~~in him or her by this chapter. The appointment of the executive~~  
11 ~~officer is subject to the approval of the director. In the event that~~  
12 ~~a newly authorized board replaces an existing or previous bureau,~~  
13 ~~the director may appoint an interim executive officer for the~~  
14 ~~board who shall serve temporarily until the new board appoints a~~  
15 ~~permanent executive officer.~~

16 ~~(d) The executive officer shall provide examiners, inspectors,~~  
17 ~~and other personnel necessary to carry out the provisions of this~~  
18 ~~chapter.~~

19 ~~(e) This section shall become inoperative on July 1, 2007, and,~~  
20 ~~as of January 1, 2008, is repealed, unless a later enacted statute,~~  
21 ~~which becomes effective on or before January 1, 2008, deletes or~~  
22 ~~extends the dates on which it becomes inoperative and is~~  
23 ~~repealed.~~

24 *SEC. 2. Section 7303 is added to the Business and*  
25 *Professions Code, to read:*

26 *7303. (a) Notwithstanding Article 8 (commencing with*  
27 *Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of*  
28 *the Government Code, there is in the Department of Consumer*  
29 *Affairs the State Board of Barbering and Cosmetology in which*  
30 *the administration of this chapter is vested.*

31 *(b) The board shall consist of nine members. Five members*  
32 *shall be public members and four members shall represent the*  
33 *professions. The Governor shall appoint three of the public*  
34 *members and the four professions members. The Senate*  
35 *Committee on Rules and the Speaker of the Assembly shall each*  
36 *appoint one public member. Members of the board shall be*  
37 *appointed for a term of four years, except that of the members*  
38 *appointed by the Governor, two of the public members and two*  
39 *of the professions members shall be appointed for an initial term*

1 of two years. No board member may serve longer than two  
2 consecutive terms.

3 (c) The board shall appoint an executive officer who is exempt  
4 from civil service. The executive officer shall exercise the powers  
5 and perform the duties delegated by the board and vested in him  
6 or her by this chapter. The appointment of the executive officer is  
7 subject to the approval of the director. In the event that a newly  
8 authorized board replaces an existing or previous bureau, the  
9 director may appoint an interim executive officer for the board  
10 who shall serve temporarily until the new board appoints a  
11 permanent executive officer.

12 (d) The executive officer shall provide examiners, inspectors,  
13 and other personnel necessary to carry out the provisions of this  
14 chapter.

15 (e) This section shall become inoperative on July 1, 2009, and,  
16 as of January 1, 2010, is repealed, unless a later enacted statute,  
17 which becomes effective on or before January 1, 2010, deletes or  
18 extends the dates on which it becomes inoperative and is  
19 repealed.

20 SEC. 3. Section 7331 of the Business and Professions Code is  
21 amended to read:

22 7331. The board ~~may~~ shall grant a license to practice to an  
23 applicant if the applicant submits all of the following to the  
24 board:

25 (a) A completed application form and all fees required by the  
26 board.

27 (b) Proof of a current license issued by another state to  
28 practice that *meets all of the following requirements*:

29 (1) It is not revoked or suspended or otherwise restricted.

30 ~~(e) Proof that the applicant has not been subject to disciplinary~~  
31 ~~action by any state in which he or she is or has been previously~~  
32 ~~licensed to practice. If the applicant has been subject to~~  
33 ~~disciplinary action, the board shall review that action to~~  
34 ~~determine if it warrants refusal to issue a license to the applicant.~~

35 ~~(d) Any other information as specified by the board to the~~  
36 ~~extent it is required of applicants for licensure by examination~~  
37 ~~under this article.~~

38 (2) *It is in good standing.*

1     (3) *It has been active for three of the last five years, during*  
2 *which time the applicant has not been subject to disciplinary*  
3 *action or a criminal conviction.*

4     *SEC. 4. This act is an urgency statute necessary for the*  
5 *immediate preservation of the public peace, health, or safety*  
6 *within the meaning of Article IV of the Constitution and shall go*  
7 *into immediate effect. The facts constituting the necessity are:*

8     *In order to ensure that the health and safety of the public be*  
9 *maintained, it is necessary that this bill take effect immediately.*

10    ~~SECTION 1. Section 8698.6 of the Business and Professions~~  
11 ~~Code is repealed.~~

12    ~~SEC. 2. This act is an urgency statute necessary for the~~  
13 ~~immediate preservation of the public peace, health, or safety~~  
14 ~~within the meaning of Article IV of the Constitution and shall go~~  
15 ~~into immediate effect. The facts constituting the necessity are:~~

16    ~~In order to ensure that the Structural Fumigation Enforcement~~  
17 ~~Program continues in operation, it is necessary that this act take~~  
18 ~~effect immediately.~~